

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
LEONARDO LAVETTE MCMILLAR, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_  
 )

CLERK *[Signature]*  
SO. DIST. OF GA.

CASE NO. CR412-017

O R D E R

Before the Court is Defendant's Motion to Withdraw Guilty Plea. (Doc. 88.) In his motion, Defendant seeks to withdraw his guilty plea entered in this case on September 17, 2012. (Id.; Doc. 46.) Defendant argues that his plea was not knowingly given because the lead prosecutor and case agent engaged in an extramarital affair during the time the Defendant faced prosecution. (Doc. 88 at 1.) This argument does not support the disturbance of a guilty plea. The Government is not required to disclose impeachment evidence, such as an extramarital affair, prior to the entry of a guilty plea. See United States v. Ruiz, 536 U.S. 622, 633 (2002) (stating that "impeachment information is special in relation to the fairness of a trial, not in respect to whether a plea is voluntary ('knowing,' 'intelligent,' and 'sufficient[ly] aware')). After careful consideration of both Defendant's motion and the record in this case, the Court finds that the

motion is without merit. Accordingly, Defendant's motion is  
**DENIED.**

SO ORDERED this 26<sup>th</sup> day of September 2019.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA